

REMARKS

In the Office Action, the Examiner rejected claims 1, 3-9 and 19-26 under 35 U.S.C. § 102(b) as being anticipated by Anderson et al. (4,005,880). In addition, the Examiner rejected claims 2 and 10-18 under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. in view of Alewitz (4,085,950). The Applicant respectfully submits that the claims in this application as amended herein are in condition for allowance.

I. Claims 1, 3-9 and 19-26 are not anticipated by Anderson et al.

A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. Verdegaal Brothers v. Union Oil Company of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim” and all of the claims elements must be “arranged as in the claim”. Richardson v. Suzuki Motor Company, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). The patent to Anderson et al. fails to satisfy these requirements.

Independent claim 1 has been amended herein to call for “a hollow rigid stiffener including a plurality of radial serrations having sharp points formed along the outside length thereof disposed within the interior of a portion of said plastic pipe within said outer ductile pipe.” Claim 8 has been amended herein to call for “radial serrations having sharp points formed along the outside length of said stiffener extend toward the open end of said plastic pipe within said outer ductile pipe.” Claim 9 has been amended to call for the hollow rigid stiffener to be “positioned in the open end of said plastic pipe within said outer ductile pipe and includes a flange that extends above and radially outwardly from said plastic pipe to a position adjacent to said outer ductile pipe and above and adjacent to said crimp.” Claim 19 has been amended to call for “a hollow rigid stiffener including a plurality of radial serrations having sharp points

formed along the outer length thereof disposed within the interior of said plastic pipe.” Claim 25 calls for “radial serrations having sharp points formed along the outside length of said stiffener extend toward the open end of said plastic pipe within said outer ductile pipe.” Claim 26 calls for “said hollow rigid stiffener is positioned in the open end of said plastic pipe within said outer ductile pipe and includes a flange that extends above and radially outwardly from said plastic pipe to a position adjacent to said outer ductile pipe and above and adjacent to said crimp.”

It is respectfully submitted by the Applicant that the present invention as claimed in amended claims 1, 3-9 and 19-26 are not anticipated by the patent to Anderson et al. in that Anderson et al. does not disclose the Applicant’s invention in as complete detail as it is contained in claims 1, 3-9 and 19-26 and the claimed elements of the present invention are not the same or arranged in the same manner as those in Anderson et al. Further, each and every element set forth in amended rejected claims 1, 3-9 and 19-26 are not found in Anderson et al.

II. Claims 2 and 10-18 are not obvious over Anderson et al. in view of Alewitz.

In order to satisfy a prima facie case of obviousness, the prior art must contain some teaching, suggestion or incentive that would have motivated an artisan to modify the reference. See, In re Fine, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988). The prior art must teach or suggest all of the limitations of the claims without the slightest recourse to the teachings in the application. See, Amgen, Inc. v. Chugai Pharmaceutical Co., Ltd., 927 F.2d 1200, 18 USPQ 2d 1016 (Fed. Cir. 1991). The proper test is whether “the prior art would have suggested to one of ordinary skill in the art that the process (or apparatus) should be carried out (or produced) and would have a reasonable likelihood of success.” In re Dow Chemical Co. vs. American Cyanamid Co., 837 F.2d 469, 473, 5 USPQ 2d 1529, 1531-32 (Fed. Cir. 1988).

In the Office Action, the Examiner rejected claims 2 and 10-18 under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. in view of Alewitz. In connection with the rejection, the Examiner stated that in regard to claims 2 and 10, Anderson et al. discloses a riser assembly and also discloses placing a second gasket around the plastic pipe adjacent to the bottom of the outer ductile pipe, but does not disclose that the gasket is crimped between the inner and outer tubes. Further, the Examiner stated that Alewitz teaches that attaching a second gasket at the bottom of an outer ductile pipe, through crimping, is common and well known in the art. The Examiner also indicated that claims 11-18 are unpatentable over Anderson et al. in view of Alewitz.

The gas service connector of Anderson et al. includes multiple parts, i.e., at least ten separate parts. This is contrasted with the present invention which in claim 1 utilizes only four parts not counting the crimp or five parts not counting two crimps. As concerns the patent to Alewitz, it also includes a multiplicity of parts as compared to the few parts of the present invention.

More importantly, neither of the references cited suggests or implies that the hollow rigid stiffener utilized should include a plurality of radial serrations having sharp points formed along the outside length thereof to prevent the plastic pipe from pulling out of the ductile outer pipe. While the patent to Anderson et al. discloses a stiffener, it does not include serrations, i.e., saw like notches, but instead utilizes a stiffener which includes spaced indentations formed therein. Further, while Anderson's stiffener includes a flanged portion at the top end thereof, the flange is not positioned adjacent to the crimp as is the case in the present invention. In the present invention, the flange functions to prevent the stiffener from moving past the crimp. Finally, the patents to Anderson et al. and Alewitz disclose one or more circular crimps that have very short

widths. The present invention, on the other hand, discloses the use of a cylindrical crimp that is wide and causes the adjacent portion of the plastic pipe to cold flow into and between all of the serrations along the length of the stiffener 26 thereby permanently joining most of the length of the stiffener to the plastic pipe. The serrations of the stiffener which include sharp points extending toward the open end of the plastic pipe within the outer ductile pipe prevent the plastic pipe from being pulled off of the stationary stiffener.

The appropriate standard for obviousness is whether “the prior art would have suggested to one of ordinary skill in the art that the process (or apparatus) should be carried out and would have a reasonable likelihood of success.” In re Dow Chemical Co. vs. American Cyanamid Co., 837 F.2d 469, 473, 5 USPQ 2d 1529, 1531-32 (Fed. Cir. 1988). As discussed above, nothing in Anderson et al. or Alewitz suggests to the skilled artisan that only the four or five parts utilized in accordance with the present invention should or could be utilized to produce a gas service riser assembly; or that the stiffener should or could utilize a plurality of radial serrations forming sharp points along the length thereof; or that a cylindrical crimp adjacent to the sharp points should be utilized to permanently prevent the plastic pipe from pulling out of the ductile outer pipe. Accordingly, a prima facie case of obviousness has not been established. As a result, it is submitted by the Applicant that the rejection of claims 2 and 10-18 under 35 U.S.C. § 103(a) should also be withdrawn.

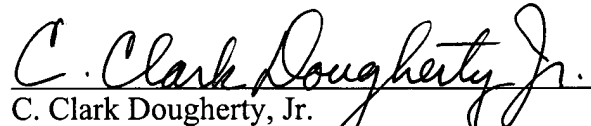
This is intended to be a complete response to the Office Action mailed on July 1, 2004, and it is respectfully submitted that claims 1-26 should now be allowed.

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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Date: July 22, 2004

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